



STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES

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<http://ct.gov/dmv>



Testimony of Department of Motor Vehicles
Commissioner Melody A. Currey
Public Safety and Security Committee Public Hearing
February 21, 2013

**HB 6336 - AN ACT CONCERNING THE TIMING OF TESTS FOR BLOOD ALCOHOL LEVELS
IN OPERATING UNDER THE INFLUENCE CASES**

Good morning Senator Hartley, Representative Dargan, Senator Guglielmo, Representative Giegler and other members of the Public Safety and Security Committee.

Thank you for the opportunity to submit testimony on this proposal.

The Department of Motor Vehicles (DMV) would like to comment on certain aspects of this proposal, specifically sections 2 and 3 that relate to the administrative per se process that is administered by DMV.

Section 2 deletes language that requires an officer to indicate in his or her report that the chemical analysis of a person's blood breath or urine was commenced within two hours of the time of operation. Section 3 eliminates the requirement in an administrative per se hearing that a hearing officer make a determination that the chemical analysis was commenced within two hours of operation. The Department does not have an issue with the elimination of this language except the following was also added to section 3: "In the hearing, the results of the test or analysis shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, [provided] except that, if such test was not commenced within two hours of the time of operation, evidence shall be presented that demonstrates that the test results and analysis thereof accurately indicate the blood alcohol content at the time of operation."

It will be essential that law enforcement officers continue to record the time of operation in their police reports so that the documents admitted into evidence in a per se hearing will be sufficient to indicate that the test was commenced within two hours. The DMV would like the Committee to be aware that when cases arise wherein the test has not been commenced within two hours, the DMV will be seeking extrapolation testimony from the State Toxicology Lab staff. This will entail service of a subpoena by the DMV requesting a person with the scientific training and experience to competently testify in these cases.

Thank you again for opportunity to provide comments on this proposed legislation.